

Enforcement and Compliance Track

Promoting Compliance through Compliance Incentives

Nebraska Environmental Partnerships

Nebraska Department of Environmental Quality

PROBLEM:

There are 532 incorporated municipalities in the State of Nebraska. Of those, 500 have populations of less than 1000. Many of these small communities are faced with a myriad of environmental challenges and have limited available resources. While fiscal resources are often the primary impediment to addressing problems, lack of expertise in understanding and addressing complex environmental regulations is also prevalent. Additionally, much of the communities environmental infrastructure is aging and in need of attention, if not replacement.

INNOVATION:

The Nebraska Environmental Partnership (NEP) was formed to assist small communities adequately address the environmental issues. The program assists small communities through a team process that helps prioritize their environmental challenges. Composition of the team varies depending on the issues. Those who may be team members include: Community officials; utility representatives and consulting engineers from the local community; representatives from the State Department of Environmental Quality, Health and Human Services, or Economic Development; and possibly regional representatives from the Natural Resources Districts; Midwest Assistance Program; Nebraska Rural Water Association; and, the University of Nebraska Community and Regional Planning.

In addition NEP has also concentrated efforts at the identification and use of alternate technologies that will allow communities to comply with environmental regulations in the most economic manner possible. To date, examination of alternate technologies has concentrated on the use of constructed wetlands, enhanced design of septic systems, and improved operations of complete retention lagoons.

RESULTS:

Over the last two years most of the NEP efforts have been devoted to developing prioritized lists of environmental issues facing communities. Currently there are 100 of these community assessments either in progress or completed. The results of the assessments have ranged from requiring little, if any action being taken, to the initiation of total water and wastewater system upgrades or replacements.

Results from the alternate technologies efforts are ongoing.

CONTACT:

Joe Francis, Associate Director
Nebraska Department of Environmental Quality
1200 N St., Lincoln, NE 68509
402/471-6087 -- fax 402/471-2909

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EPA Region 4 POTW MOM Project

Problem: Nearly all Region 4 sewerage utilities (more than 2000) experience sanitary sewer overflows (SSO), many of which reach “Waters of the United States” in violation of the Clean Water Act. All SSO’s, whether reaching the “Waters of the United States” or not, represent a significant threat to public health. SSO’s are symptoms of the failure of the sewerage utility to implement proper management, operation and maintenance (MOM) programs for its sewerage infrastructure. The traditional enforcement approach for dealing with this widespread problem is excessively time and manpower resource consuming, exceeding the availability of those resources to the Region and its eight States.

Innovative Solution: Region 4 developed a non-adversarial enforcement approach to dealing with this problem that is a slight modification of EPA’s Self-Audit/Self-Disclosure Policy. Region 4, in partnership with the State, targets a watershed of concern in the State. Publicly owned treatment works (POTW’s) in the watershed, and their associated satellite sewer systems, are invited to undertake a self-evaluation of the adequacy of their MOM programs and to submit the self-evaluation results and a list of Clean Water Act violations to EPA and the State within seven months.

A meeting is held in the watershed to fully explain the program to the utilities and to provide them written guidance. The utilities have a month after the watershed meeting to notify EPA of their decision to participate. The seven month evaluation period then begins. If a utility chooses not to participate, EPA will conduct the evaluation of the utility’s MOM programs within twelve months. In either case, the results of the evaluation are reviewed with the State and the utility and the appropriate enforcement response is generated cooperatively by all three parties.

Major Results: Region 4 has engaged eighty (80) utilities in the process. Seventy (70) utilities performed self-evaluations and EPA conducted ten (10) evaluations. The process has saved EPA and the State considerable manpower resources and travel funds. The targeting strategy has expanded the Region’s enforcement presence to the point that some utilities have undertaken unsolicited self-evaluations and begun to develop and implement proper MOM programs in anticipation of being targeted. In general, the utility community has looked on the approach positively in that they use the threat of EPA intervention to obtain the necessary resources to implement proper MOM programs from their elected officials. Numerous presentations have been made by Region 4 personnel at professional associations throughout the Region which has resulted in widespread awareness of the program.

Contact Information: J. Scott Gordon, Water Programs Enforcement Branch
EPA, Region 4